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In re Application of	:	
WANG et al	:	
Application No.: 10/563,471	:	
PCT No.: PCT/CN2004/000728	:	
Int. Filing Date: 02 July 2004	:	DECISION
Priority Date: 03 July 2003	:	
Attorney Docket No.: 56860/C306	:	
For: C-GLYCOSYLISOFLAVONES...	:	
USE OF THE SAME	:	

This decision is in response to applicants' "PETITION TO CORRECT SPELLING OF INVENTOR NAME... DEFECTIVE RESPONSE," filed on 13 June 2008 indicating that the executed declaration filed on contains the correct spelling of the third inventors' name Shengqi WANG.

The published PCT application had an error since Shengqi WANG was misspelled as Shangri WANG.

**BACKGROUND**

On 03 January 2006, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed oath or declaration was filed at that time.

On 28 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, *inter alia*, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date... is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68." The notification indicated that a new oath or declaration must be submitted within two (2) months from the date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 14 March 2008, applicants filed an executed declaration.

On 14 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) stating that spelling of the third inventor's first name on the declaration does not correspond with the spelling of the published application.

On 13 June 2008, applicants submitted the current petition stating that the third named inventor listed as Shingqi WANG, which is his correct spelling rather than as Shangri WANG.

### **DISCUSSION**

The correct name of the third joint-inventor is "Shengqi WANG" as filed in the executed declaration on 14 March 2008, and not as it appeared in the publication of the international application. Petitioner has stated that the name was incorrectly spelled in the international application but now has been corrected. Accordingly, the correct name, Shengqi WANG, now appears in the declaration as filed on 14 March 2008 to the USPTO.

### **DECISION**

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED** that the correct spelling of the fifth joint inventor is Shengqi WANG.



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